1928.

Department of Rev

OFFICE Bd of Rev

STATION Madras

Rev No. 3155

Dated 25.9.28

B 4946
11.45

To whom sent	Date / Ini
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(SUBJECT.)

Assignment: Wand (S Kanara)

Kankha

d (Cover T.S. nos. 252/2 Bek

value waiver S. Hegjadhi

Dismissed

20 JUL 1928
LAND REV. & SET.

To

The Honourable the Members of the Board of Revenue

Land Revenue

MADRAS.

COLLECTOR'S OFFICE
No. ——
27 JUL 1928
SOUTH KANARA

Humble petition of Somakka Heggadthi

niece of Birma Hegde Karkal Village

Karkal Taluk. Dated 24.7.1928.

Appellant begs to submit this appeal against the order of the Collector of South Kanara. D. No. NO.2759-28-- Dated 6-6-1928 fixing the site value at Rs. 500/- per acre on plots S. Nos 252/2B, 2C. 4A and 5 of Karkal Village, on the ground of their being situated within 22 yards road-margin. Copy of the order is enclosed.

2. Appellant submits that the plots in question are not encroachments as presumed to be.. They appertained to Neltherge Warg Land as may be evident from the connected records. The improvements thereon are of pre-settlement period. The plots contain bagayat trees, paddy fields, etc, and are enclosed by a substantial stone -- wall of a remote past.

dealing with a multitude of cases of similar and other nature, passed orders D. Dis 7178 dated 15-12-1927 and in the case of lands subject to permanent assignment, that all such lands should be assessed at Rs 6-4-0 per acre and charged with site-value at a uniform rate of of Rs. 670/- per acre, forgetting the fact that the present plots required different treatment. Probably, the history of these plots was not prominently brought to the notice of the Collector and he had thus to take them to be of equal nature with the other plots reputed to be encroachments.

Appellant after hearing of the imposition of high rate of assessment and also of the exorbitant site-value moved the present Collector on the subject, stating that she was not liable to pay site-value. Whereupon the Collector has been pleased to observe in his local inspection that the rate of site-value in the present case was comparatively high and reduced it to Rs. 500/- an

therefore clear that the Collector took care

excluded from Patta, is not her fault. She presumes that any claims against her is barred by limitation.

Appellant submits that in the circumstances stated above she is not liable to pay either enhanced assessment or the site-value. In the first place, the land is Warg land. Secondly, it is already assessed waste and not poramboke and hence any fresh taxation is not justifiable. Thirdly the incident of the land being within the prescribed road-margin and within town limits would not justify imposition of higher assessment or site-value. because the road came into existence only lately and the requisite space for the road has been registered as poramboke. while, the present plots, owing to old improvements and other causes, were then registered as assessed waste. If this land had then been open and available, it would not have escaped its classification as road-paramboke. The situation of the land by the road side is of no consequence. Because the road in question is but an obscure side-road leading from the main road to the Attur Church. With regard to the land being now included within town limits, appellant submits that the land in question is in a far distant corner and happened to be so included in expectation of future developement and extention. But as things stand, the land does not deserve the appelation of town site.

6. Appellant also begs to state that the plots in question, owing to the warg nature and to the nature of the old improvements, were not made the subject of any encroachment proceedings, nor was any objection to her further improvements was taken. It is therefore unfortunate that she should at this stage be made liable to pay higher rate of assessment and also exorbitant site-value which is beyond her means and also beyond the capacity of land to bear.

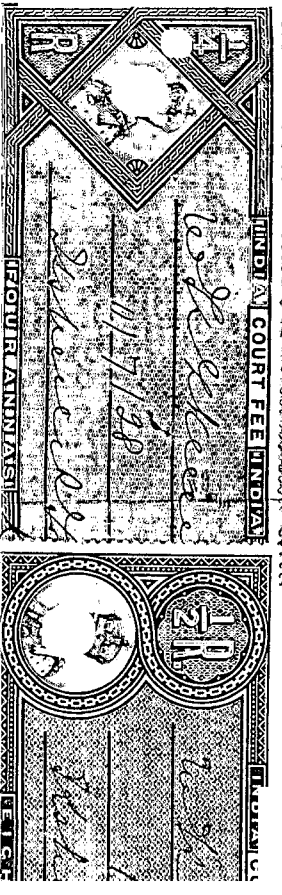
prepared to quit the land, provided she is paid the cost of improvements and also the assessment paid by her. with interest.

8. Appellant prays that on a kind consideration of the above- circumstances. the Honourable Board may be pleased to setaside the order of the Collector and order the assignment of the land at the adangal rate with the site-value being waived.

For which act of justice and benevolence.

she shall be gracious.

mark of Somakka Hegadthi



Proceedings of the Collector of South
1928.

C. G. Herbert, Esquire. I.C.S.

Assignment - Land - Karkal Taluk -Karkal village - Town site
S.Nos. 252/2B, 2C, 4A & 5 - reduction of site value -orders passed

Petition dated 19-3-28 of Somakka Heggadthi and Karkal Tahsildar's reports dated 29-3-28 and L.Dis. C.No. 715/Sup.28 date 28-5-28.

I inspected the plots. Since the petitioner's sites which are not on the main road have been charged at the same rate as S.Nos. 430/19A and 178/2 which are, the site value of the former should be reduced. It will be fixed at Rs 500/- an acre.

Sd/- H. Sankar Rao,
For Collector.

Huzur Sheristedar.

ನಂ. 1193 / 18

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15/6/18

~~Encroachment~~ ~~Darkhast~~ (S. Kanara)
Assignment

Karkal taluk & Coun

village S.No. 252/2B4 Petition.. S. Hegade

Read B.No. 4946/32 ~~192~~

Reference No. B4946/32.d/ 29 7.28

Forwarded to the Collector of S.Kanara for submission of the records with remarks on any allegations in the petition which are not clearly dealt with in the records.

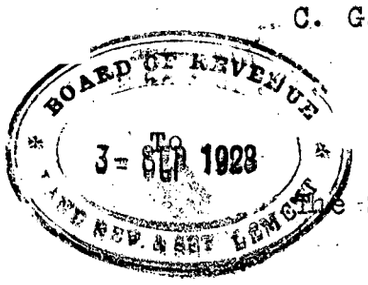
Ref.A1-6417-28. 8 South Kanara Collector's Office,

Mangalore, 27th August .1928.

From

C. G. Herbert, Esquire, I.C.S.,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Assignment - Land - Karkal Taluk - Karkal village - Town sites - S.Nos.252/2B, 2C, 4A and 5 - Site value - Waiver - Petition - S.Heggadthi - Report submitted.

Board's Ref.B.4946-28-1, dated 23rd July 1928.

In his order D.Dis.7178-27, dated 15th December 1927 Mr. Gawne ordered the permanent assignment of S.Nos. 252/2B, 2C, 4A and 5, - the plots concerned in this case, to the petitioner subject to the payment of ground rent at Rs.6-4-0. per acre and site value at Rs.670/- per acre. The petitioner preferred an objection petition which was disposed of by me in D.Dis.2759-28, dated 6th June 1928. I inspected the plots and for the reasons mentioned in my above order reduced the site value to Rs.500/- an acre. The present petition is an appeal against this order.

2. The plots are situated within the limits of Karkal town and are within 50 links from the centre of the road leading from Karkal to Nitte, - an interior village. They were being included in account No.A II of the Village and assessment collected on them till fasli 1335. During the Jamabandy of fasli 1335 the Tahsildar was ordered to take steps with a view to the permanent assignment of the plo and hence the order of Mr. Gawne dated 15th December 1927.

3. In the settlement register of the village S.Nos. 252/2,4 and 5 stand registered in the name of one Muhammed Bakary, - the predecessor-in-title of the petitioner.

S.No.252/2 is registered as wet, S.No.252/4 as garden and S.No.252/5 as dry and all the plots are shown as appertaining to Hosagame warg No.112. But a patta does not appear to have been issued in respect of them at the time of the Settlement Jamabandy. The plots, - S.Nos.252/2B,2C,4A and appear to have been assigned on temporary Nelatherige (") before Settlement in D.R.No.9/1305. The records of this darkhast case are not now available but the order passed by the Deputy Tahsildar in Dis.84 R/Rev.10 makes this fact clear. The plots came to be included in Account No.A II in accordance with the order passed in Dis.84 R/Rev.10.

Ground tax charged on sites granted for building houses in Land appertaining to town pg of (20)

4. The plots are enclosed by strong walls and contain garden trees. Some of the cocoanut trees are about 20 to 40 years old. Some of the improvements were evidently, therefore, effected before Settlement. This is also borne out by the fact of the registry of S.Nos.252/2 and 4 as wet and garden respectively. The improvements now in the plots are valued at Rs.600/-.

5. In the absence of the records prior to 1910 it is not possible to account for the omission of the plots from the patta of the person in whose name they were registered in the Settlement register. If there had been any warg claim over it, he would undoubtedly have preferred it in time and got the mistake rectified. Petitioner has also no documentary evidence in support of the alleged warg claim. But from the nature of the land and the records now available it can safely be admitted that the encroachment is one existing prior to Settlement. As under B.S.O.21 site value in respect of sites within town limits cannot be waived except in the particular cases mentioned therein.- and this does not come within any of those cases,- I levied the site value in question.

Assignment: Land (S. Kanara)

Karkal Tk.

Hobli — T.S. nos. 252/2B etc. Sete value

waiver — S. Heggadthi — Petn. Dismissed.

B 4946 — Q pl cf

5701 — Q to Collr only p8cf

Reedn: (Mis.) 3155 dt 25 9 28

The Board sees no reason for interference on behalf of the petitioner. The petition is dismissed

11.9.28

19/9.

To Sonaccka Heggadthi
Karkal vg
Karkal Talukq
S. Kanara Dt.

REJECTED
5/9
8.9.28

To the Collr of S. Kanara with records as per list
* at p8cf to be copied

OTV

The petr. claims the lands in question as part of her wasg. and therefore requests the present and sete values may be waived. The Collr's letter shows that the lands are held on temporary "patta": it is not clear why these lands were not permanently included in "patta" at the sett. As observed by the Collr. if the petr's contention that the

form part of the wasg was correct. The
mistake would have been rectified at the
sett There is also no documentary evidence
in support of the wasg claim There is no reas
for assigning the lands free of value and
subject to taxation as the encroachment
portions of
Pet consists of 3 houses. garden trees & paddy fel
Sg.
8.9.28 Pl. See the sketch at p. 18 of (M).

Para 7 of the petn. shows that the
petr is keen about the waiver
of site value The Coll has
already inspected the land &
reduced the site value from Rs 670
to 500 As the lands lie within
a town the levy of ground rent
at Rs 6-40 ordered by the Coll. is
correct.

8.9.28

11.9.28.

SB
17/9